

1631

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/040,210	
	Filing Date	01/02/2002	
	First Named Inventor	Shams	
	Art Unit	1631	
	Examiner Name	Ly, Cheyne D	
Total Number of Pages in This Submission	8	Attorney Docket Number	BDI001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

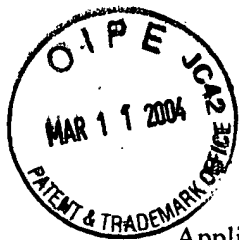
Firm or Individual	Tope-McKay & Associates
Signature	
Date	3/4/2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 3/4/2004			
Typed or printed	Cary Tope-McKay		
Signature		Date	3/4/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shams

Examiner: Ly, Cheyne D

5 Serial No.: 10/040,210

Group Art Unit: 1631

Filed: 01/02/2002

Our Ref: BDI001

10 For: "Apparatus, Method, and Computer Program Product for Plotting Proteomic and Genomic Data"

RE: Non-Final Office Action Response

15 Hon. Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE

Sir:

20 In response to the office action dated December 3, 2003, having a shortened statutory response period extending through and including March 4, 2004, the Applicants respectfully request that the Examiner enter and consider the Amendments and Remarks made below. **All amendments and remarks herein are made without prejudice.**

25

REMARKS

In the office action, dated December 4, 2003, the Examiner rejected Claims 1 – 120 under 35 USC § 101 as non-statutory subject matter. Additionally, the Examiner
30 rejected Claims 1 – 120 under 35 USC § 102 as being anticipated by Schutz et al. (1999).

35 USC § 101 Rejection

35 The Examiner rejected Claims 1 – 120 as non-statutory subject matter under 35 USC § 101. Specifically, the Examiner rejected Claims 1 – 40, 79 – 117, 118, and 120 as descriptive, non-functional material. The Examiner stated that the computer system and computer program of the present invention only stores proteomic and genomic data